



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 20, 1999

Neil R. Lubarsky, Esq.
202 Mamaroneck Avenue
White Plains, NY 10601

RE: MUR 4838
Citizens for Paul Feiner
Philip A. Feiner, as treasurer

Dear Mr. Lubarsky:

On October 4, 1999, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of violations of 2 U.S.C. § 441d(a), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

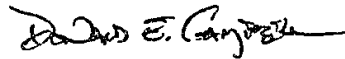
The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Donald E. Campbell
Paralegal Specialist

Enclosure
Conciliation Agreement

cc: Paul Feiner (with enclosure)

2025 NOV 10 10:00

BEFORE THE FEDERAL ELECTION COMMISSION

SEP 23 3 49 PM '99

In the Matter of)
)
Citizens for Paul Feiner)
and Philip A. Feiner, as treasurer)

MUR 4838

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Bernard Gomberg. The Commission found reason to believe that Citizens for Paul Feiner and Philip A. Feiner, as treasurer ("Respondents"), violated 2 U.S.C. § 441d(a).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Paul J. Feiner was a candidate for U.S. Representative in New York's 20th Congressional District during the 1998 Primary and General Elections.

2. Citizens for Paul Feiner is the principal campaign committee of Paul J. Feiner and a political committee within the meaning of 2 U.S.C. § 431(4).

3. Philip A. Feiner is the treasurer of Citizens for Paul Feiner.

4. Pursuant to 2 U.S.C. § 441d(a), all expenditures for communications which expressly advocate the election or defeat of a clearly identified candidate, or expenditures to solicit any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general political advertising, must contain a disclaimer.

5. If the communication was paid for and authorized by a candidate, an authorized committee of a candidate or an agent thereof, the disclaimer shall clearly state that the communication was paid for by the authorized political committee. 2 U.S.C. § 441d(a)(1); 11 C.F.R. § 110.11(a)(1)(i).

6. Respondents paid for and authorized a newspaper advertisement in the October 1998 edition of the *Nyack* (N.Y.) *Villager* which expressly advocated the election of Paul J. Feiner. The advertisement did not state who paid for it.

7. Respondents paid for and authorized yard signs which expressly advocated the election of Paul J. Feiner. The yard signs did not state who paid for them.

8. Respondents paid for and authorized a web site which expressly advocated the election of Paul Feiner and solicited funds for his committee. The web site did not state who paid for it.

9. Pursuant to 2 U.S.C. § 441d(a)(1), the above items constituted political advertisements which required disclaimers stating that they had been paid for by Citizens for Paul Feiner.

V. Respondents failed to place disclaimers on political advertisements that expressly advocated the election of a clearly identified candidate, in violation of 2 U.S.C. § 441d(a).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of two-thousand five-hundred dollars (\$2,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

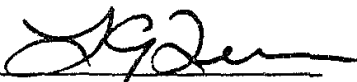
VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.


FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

10-19-99
Date

FOR THE RESPONDENTS:


(Name)
(Position) TREASURER
CITIZENS FOR PAUL FEINER

Sept. 17, 1999
Date